

IN THE MATTER OF           :       NEW JERSEY DEPARTMENT OF EDUCATION  
THE CERTIFICATE OF       :           STATE BOARD OF EXAMINERS  
ANDREW KEMP               :           ORDER OF REVOCATION  
\_\_\_\_\_                   :           DOCKET NO:534-09/99-220

At its meeting of September 23, 1999, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that Andrew Kemp had been convicted in 1990 for possession of dangerous drugs, and in 1998 for five counts of theft. As a result of these convictions, Kemp was permanently disqualified from public school employment pursuant to N.J.S.A. 18A:6-7.1 *et seq.* Kemp did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, at that meeting the State Board of Examiners voted to issue an Order to Show Cause to Respondent. Kemp currently holds a County Substitute certificate issued by the Hudson County Office of Education.

The Order to Show Cause was mailed to Respondent by regular and certified mail on November 5, 1999. The regular mail copy was not returned and the certified copy was returned unclaimed. Kemp did not respond to the Order to Show Cause. On December 29, 1999, Kemp was advised by regular and certified mail that he was being provided an additional ten days to respond to the Order. He was advised that if no response was received, the allegations in the Order to Show Cause would be deemed admitted and the State Board of Examiners would proceed to a decision as to revocation or suspension on the basis of the evidence before it. Once again, the regular mail copy was not returned. The certified copy was signed and returned but Kemp did not reply.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Kemp's disqualification from serving in the public schools of New Jersey gives the Board just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. Since Kemp did not respond to the Order to Show Cause, the State Board of Examiners had no responsive pleading to consider in the hearing process. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding. N.J.A.C. 6:11-3.6(a)1. Since Kemp's disqualification, which was predicated on the same offenses as were set forth in the Order to Show Cause, is admitted, the Board of Examiners must now decide whether that constitutes a sufficient basis to act against Kemp's certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

In enacting the Criminal History Review statute, N.J.S.A. 6-7.1 et seq. in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be a danger to them. In 1989 the Legislature specifically amended the statute to include all convictions concerning controlled dangerous substances as disqualifying offenses. See, N.J.S.A. 18A:6-7.1b. This amendment was a clear recognition on the part of the Legislature that individuals with such drug convictions should not be permitted to be in contact with school-aged children. The consistent and long-standing policy of this State is to eliminate the use of illegal drugs. See, In the Matter of the Tenure Hearing of David Earl Humphreys, 1978 S.L.D. 689. To that end, the State and the schools here have engaged in extensive educational efforts to warn the citizenry of the perils of illicit drugs. See, In the Matter of the Certificate of Barbara Corwick, OAL Dkt. No. EDE 3562-87, State Board of Examiners decision (March 24, 1988). Those who violate this deep-rooted policy, *whether by the use of drugs or their manufacture and distribution*, endanger the public welfare; they cannot be entrusted with the responsibility of

caring for school aged pupils. Accordingly, the State Board of Examiners finds that Kemp's disqualification from service in the public schools of this State because of his conviction for possession of dangerous drugs provides just cause to take action against his certificate.

In addition to his drug offense, Kemp was also disqualified because of his conviction for theft. Certainly, that offense also proves that Kemp is not a role model for children and should not be teaching in New Jersey's schools.

Furthermore, the strong policy statement on the part of the Legislature set forth in N.J.S.A. 18A:6-7.1b also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense warrants his exclusion from service in the public schools should not be permitted to retain the license that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher. Because the Legislature considers Kemp's offense so significant, the State Board of Examiners in this matter believes that the appropriate sanction for his disqualification is the revocation of his certificate to teach.

Accordingly, it is therefore ORDERED that Andrew Kemp's County Substitute certificate be revoked on this 11th day of May, 2000. It is further ORDERED that Andrew Kemp return his certificates to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

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Secretary  
State Board of Examiners

Date of Mailing: October 11, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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